

Title	Commitment to the California Youth Authority (amend Cal. Rules of Court, rule 1494; adopt rule 1494.5; and adopt form JV-732)
Summary	The proposed new rule and form would establish a procedure for making required judicial findings and orders when committing a youth to the California Youth Authority (CYA). The rule mandates usage of the form statewide and requires the court to make specific findings and include certain relevant documentation. The form will include necessary case information for CYA so that it can provide the youth necessary and appropriate discipline and treatment. In addition, rule 1494(c) is deleted and replaced in the new expanded rule 1494.5.
Source	Family and Juvenile Law Advisory Committee
Staff	Beth Kassiola, 415-865-7697; beth.kassiola@jud.ca.gov
Discussion	<p>Under Welfare and Institutions Code section 734, in order to commit a child to CYA, the court must find that the mental and physical condition and qualifications of the youth render it probable that he or she will benefit from the reformatory discipline or other treatment provided at CYA. Rule 1494.5 of the California Rules of Court and form JV-732, <i>Commitment to the California Youth Authority</i>, would assist the court when making specified orders of commitment.</p> <p>Under Welfare and Institutions Code section 1741, when a person is committed to the authority, the court and the prosecuting and policing authorities and other public officials must make available all pertinent data with respect to the case. The rule establishes that the court must ensure that information regarding the youth's medical and educational needs is provided to CYA. Welfare and Institutions Code section 1742 provides that when the juvenile court commits an individual with exceptional needs to CYA, it must furnish the youth's individualized education program to the Department of the Youth Authority. The form serves an important purpose of providing case-specific information including the basis of commitment, the youth's credits, the period of confinement, whether the child has exceptional needs, and restitution payments.</p> <p>Under Welfare and Institutions Code section 1755.3, whenever a youth under the jurisdiction of CYA is in need of medical, surgical, or dental care, CYA may authorize upon the recommendation of an attending physician, the performance of such medical, surgical, or dental services. Form JV-732 would provide CYA with medical information</p>

available at the time of commitment, including information describing whether the child has been prescribed psychotropic medication and, if so, the type and dosage of medication. The rule establishes that if the youth has been prescribed psychotropic medication and the administration of it is still necessary based on an evaluation by a CYA physician upon arrival at the CYA facility, it may be continued by CYA for a period not to exceed 60 days from the date of delivery of the youth to the reception center and clinic.

Currently, commitment information is provided to CYA on different local forms. Working in collaboration with CYA, the Family and Juvenile Law Advisory Committee proposes the new rule and form to ensure that CYA receives necessary case information in a uniform manner. The form will expedite the review process and will ensure that the information provided is consistent. Also, the text of rule 1494(c) will be incorporated in the new expanded rule 1494.5 as subdivision (b).

Attachments

Rule 1494 of the California Rules of Court would be amended and rule 1494.5 adopted effective January 1, 2003, to read:

Rule 1494. Required determinations

- (a) **[Felony-misdemeanor (§ 702)]** Unless determined previously, the court ~~shall~~ must find, and note in the minutes, the degree of the offense committed by the child, and whether it would be a felony or a misdemeanor had it been committed by an adult.
- (b) **[Physical confinement (§ 726)]** If the child is declared a ward under section 602, and ordered removed from the physical custody of a parent or guardian, the court ~~shall~~ must specify and note in the minutes, the maximum period of confinement under section 726.
- (c) ~~**[Youth Authority commitments]** Order of commitment to the Youth Authority shall specify if the offense is one listed in section 707(b).~~

Rule 1494.5. Youth Authority commitments

- (a) If the court orders the youth committed to the California Youth Authority, the court must complete Judicial Council form JV-732, *Commitment to the California Youth Authority*.
- (b) The court must specify whether the offense is one listed in section 707(b) of the Welfare and institutions Code.
- (c) The court must ensure that the probation department forwards to the Youth Authority all required medical information including previously executed medical releases.
- (d) If the youth is taking a prescribed psychotropic medication, the Youth Authority may continue to administer the medication for up to 60 days, provided that the youth is examined by a physician upon arrival at the facility, and the physician recommends that the medication continue.
- (e) The court must provide to the Youth Authority information regarding the youth's educational needs, including the youth's current individualized education program if one exists.

1. a. Youth's name: _____
b. Youth's date of birth: _____
2. a. Date of hearing: _____ Dept.: _____ Room: _____
b. Judicial officer (*name*): _____
c. Persons present:
☐ Youth ☐ Youth's attorney ☐ Mother ☐ Father ☐ Guardian ☐ Deputy District Attorney
☐ Other: _____

3. The youth was under the age of 18 years at the time of the commission of the offense for which the youth is being committed to the California Youth Authority.

4. The mental and physical condition and qualifications of this youth render it probable that the youth will benefit from the reformatory discipline or other treatment provided by the California Youth Authority.

5. a. ☐ The youth is committed to the California Youth Authority for a 90-day period of observation and diagnosis.

b. ☐ The youth is committed to the California Youth Authority for acceptance.

c. ☐ The youth is a ward of the California Youth Authority under a prior commitment; and

☐ is recommitted to the Youth Authority; or

☐ is returned to the Youth Authority with the following recommendation:

☐ the parole status of the youth be revoked;

☐ the parole status of the youth not be revoked; or

☐ the parole status of the youth will be determined by the Youth Authority.

6. The youth has been declared a ward of the court and is committed based on the following sustained petitions:

<u>Sustained Petition</u>	<u>Date</u>	<u>Offense</u>	<u>Code</u>	<u>Degree</u>	<u>707(b)</u>	<u>Enhancement</u>	<u>Term</u>
a.							
b.							
c.							
d.							
e.							

☐ Continued on attachment 6.

YOUTH'S NAME: 	CASE NUMBERS: JUVENILE:
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7. The youth is being committed to the Youth Authority on offenses sustained under the petitions filed (*specify*):
8. The youth has credit for _____ days in secure custody.
9. The maximum period of confinement is (*state years and months*):
10. The youth is ordered to pay a restitution fine of (*state dollar amount*):
11. ☐ The youth is ordered to pay restitution as stated on attachment 11.
12. Exceptional needs:
 - a. ☐ The youth is an individual with exceptional needs.
 - b. ☐ The youth is not an individual with exceptional needs.
 - c. ☐ Educational records do not indicate that a determination has been made regarding any exceptional needs the youth may have.
 - d. ☐ The youth has an individualized education program and it must be furnished to the Youth Authority.
13. ☐ The court requests that the youth be considered for the _____ Program.
14. ☐ The court requests that a copy of the Clinical Summary Report be sent to the youth's attorney (*provide name and address of attorney*):
15. The Probation Officer is directed to forward a copy of the youth's medical records to the Director of the Youth Authority prior to delivery.
16. Youth ☐ has ☐ has not been prescribed psychotropic medication.
Type and dosage of medication (*specify*):
17. Such psychotropic medication, if still necessary based on an evaluation by a Youth Authority physician, may be continued by the Youth Authority for a period not to exceed 60 days from the date of delivery to the Youth Authority reception center and clinic.

Date:

(TYPE OR PRINT NAME)



JUDICIAL OFFICER